

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Jacob Richter et al.

Serial No.: 09/864,389

Filed: May 25, 2001

For: LONGITUNDINALLY FLEXIBLE STENT



Group Art Unit: 3731

Examiner: Bui, Vy Q.

AMENDMENT FEE TRANSMITTAL

Commissioner for Patents  
Washington, DC 20231

Sir:

Transmitted herewith is an Amendment for the above-identified application.

☒ No additional fee is required.☐ The additional fee has been calculated as shown below:CLAIMS AS AMENDED

	Claims Remaining After Amendment	Highest No. Covered by Previous Payments	Extra	Rate	Additional Fee
Total Claims*	41 -	41		\$18.00/ \$9.00	\$ 0
Independent Claims	7 -	7		\$84.00/ \$42.00	\$
Multiple Dependent Claims	(If claims added by amendment include Multiple Dependent Claim(s) and there was no Multiple Dependent Claim(s) in application before amendment add \$280.00 to additional fee (\$140.00 for small entity).				\$
TOTAL					\$ 0

\*Includes all independent and single dependent claims and all claims referred to in multiple dependent claims. See 37 C.F.R. §1.75(c).

☐ Small entity status is or has been claimed.  
Reduced Fees Under 37 C.F.R. §1.9(f) paid herewith \$\_\_\_\_\_

**PATENT**



**Docket No. 4303-4003US3**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant** : Jacob Richter et. al. **Group Art Unit:** 3731  
**Serial No.** : 09/864,389 **Examiner:** Bui, Vy Q.  
**Filed** : May 25, 2001  
**For** : LONGITUDINALLY FLEXIBLE STENT

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**Assistant Commissioner for Patents**  
**Washington, D.C. 20231**

**RESPONSE TO ELECTION REQUIREMENT**

Sir:

In response to the Official Action dated February 5, 2002 requiring an election of species, applicants respectfully submit the following response.

**I. The Examiner's Election Requirement**

The Examiner has noted that this application contains claims directed to the following patentably distinct species of the claimed invention: species as shown in Figures 3, 5, 7, 11, 12, and 13. Accordingly, the Examiner has required Applicants to elect a single disclosed species for prosecution, and to identify all claims readable thereon. Additionally, the Examiner noted that claims 1, 6, 11, 16, 21, 26, and 31 are generic.

**II. Applicants' Election of Species**

Applicants elect with traverse to pursue prosecution of the species corresponding to FIG. 3, and respectfully submit that claims 1-30 read on the species of Figure 3, as well as on various other non-elected drawings. Claims 31-41 read on the species of Figures 12 and 13, but are believed to be sub-generic claims reading on the species of Figure 3. Should any of these generic or sub-generic claims be allowed, it is noted that the applicants are entitled to a reasonable number of species.

**III. Applicants' Traversal**

This election is made with traverse. Applicants respectfully submit that: (1) all groups of claims are properly presented in the same application; (2) undue diverse searching should not be required; and (3) all claims should be examined together. For the foregoing reasons, it is respectfully submitted that the election requirement should be withdrawn and an action on the merits of all the claims is respectfully solicited.


If any issues exist, or if the Examiner has any suggestions for expediting allowance of the application, the Examiner is invited to contact the undersigned at (212) 415-8705.

**AUTHORIZATION**

The Assistant Commissioner is hereby authorized to charge any additional fees that may be required for this response to Deposit Account **13-4500**, Order No. **4303-4003US3**, and is hereby petitioned for any extension of time that may be required to make this response timely. **A DUPLICATE OF THIS SHEET IS ATTACHED.**

Respectfully submitted,  
**MORGAN & FINNEGAN, L.L.P.**

Date: July 3, 2002

By:   
Keith J. McWha  
Reg. No. 44, 235

**MAILING ADDRESS:**

MORGAN & FINNEGAN, L.L.P.  
345 Park Avenue  
New York, New York 10154  
(212) 415-8705 Telephone  
(212) 751-6849 Facsimile

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